

10/763,190Appln. No.
Amdt. dated January 13, 2005
Reply to Office action of December 13, 2004

REMARKS

Claims 1-17 and 25-31 presently appear in this case. No claims have yet been examined on the merits. The claims have been subject to election and restriction requirements. Prompt consideration on the merits and allowance are hereby respectfully urged.

The examiner has required restriction between:

Group I including claims 1-17 and 25-31 drawn to a method of monitoring effectiveness of an administered agent; and

Group II including claims 18-24 drawn to an *in vitro* method of determining whether a drug is an A3AR agonist in a sample of diseased cells.

Applicant hereby elects the invention of Group I without traverse. Claims 18-24 have now been deleted without prejudice toward the filing of a divisional application. Thus, all of the claims now appearing in the case are drawn to the elected invention. Prompt consideration and allowance are hereby respectfully urged.

The examiner has required a species election within Group I. The examiner has required applicant to elect a single species of biological marker.

Applicant hereby elects A3 adenosine receptor (A3AR). It is understood, however, that if this species is

10/763,190Appln. No.
Amdt. dated January 13, 2005
Reply to Office action of December 13, 2004

found to be allowable, then the examiner will proceed to examine the entire scope of the generic claims.

The examiner has required applicant to elect one species of physiological parameter.

In response, applicant hereby elects the level of protein expression. It is understood, however, that if this species is found to be allowable, then the examiner will proceed to examine the full scope of the generic claims.

The examiner has required applicant to elect a specific disease state.

Applicant hereby elects cancer, and specifically colon carcinoma. It is understood, however, that if this species is found to be allowable, then the examiner will proceed to examine the full scope of the generic claims.

The examiner states that no claims are generic with regard to the biological marker. This statement is not understood, as claim 1 is clearly generic in its recitation of "at least one biological marker in said cells, the marker being an A3AR, or an element associated with the A3AR signal transduction pathway downstream to A3AR." This language reads on all of the species denominated by the examiner. Similarly, the following claims read on the elected biological marker embodiment: 1, 2, 7-17, 25, 30 and 31.

10/763,190Appln. No.

Amdt. dated January 13, 2005

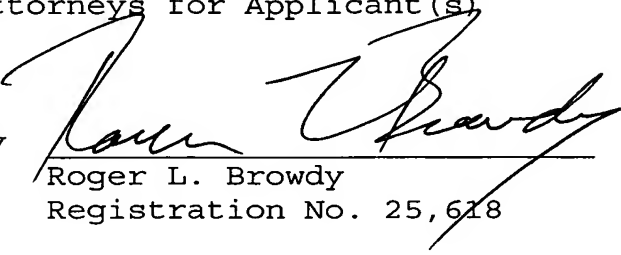
Reply to Office action of December 13, 2004

In light of the present claim cancellations and species elections, prompt consideration on the merits of all the claims now remaining in the case and allowance thereof are earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By


Roger L. Browdy
Registration No. 25,618

:rd

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528